

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER M GOULD,

Plaintiff,

-against-

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/19/2020

1:20-cv-06141-MKV-KNF

ORDER

MARY KAY VYSKOCIL, United States District Judge:

In a separate Order [ECF #6], this case has been referred to one of the Court's Magistrate Judges, Judge Kevin N. Fox, for a Report and Recommendation, which will then be sent to this Court for review and to address any objections to the Report. Alternatively, the parties may voluntarily consent to have the Magistrate Judge render a final decision in this action in accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. Any appeal from a Magistrate Judge's decision following consent is directly to the United States Court of Appeals for the Second Circuit in the same way that an appeal from a District Judge's decision would be taken.

Both parties – the Plaintiff and the Commissioner of Social Security – must consent in order for the Magistrate Judge to decide the case. To determine whether the parties wish to voluntarily consent to proceeding before Judge Fox, counsel for the Commissioner of Social Security is directed to send to counsel for Plaintiff on or before October 26, 2020, a copy of the attached consent form bearing either (1) a signature indicating consent to proceeding before the Magistrate Judge, or (2) a notation that the defendant does not consent.


On or before November 2, 2020, Plaintiff's counsel is directed to submit a letter via ECF informing the Court whether all parties have consented to proceeding before the Magistrate

Judge. If any party has not consented, the letter shall not state which of the parties have not consented – only that there has not been consent by all parties. If both parties have consented, counsel shall file on ECF the signed consent forms.

This Order is not intended to interfere with the parties' right to have final disposition of this case by a United States District Judge. The parties are free to withhold their consent without adverse substantive consequences. If any party withholds consent, the identity of the parties consenting or withholding consent shall not be communicated to any Magistrate Judge or District Judge to whom the case has been assigned.

SO ORDERED.

Date: October 19, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant)
)
)
)
)

Civil Action No. _____

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Printed names of parties and attorneys**Signatures of parties or attorneys**Dates*

_____	_____	_____
_____	_____	_____
_____	_____	_____

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

*District Judge's signature*_____
Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.